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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|---------------------|-----------------|----------------------|-------------------------|------------------|--|
| 09/782,077 | 02/14/2001 | Jonathan S. Stamler | 1661 - CIP | 9791 | |
| : | 7590 04/24/2003 | • | | | |
| Eric S. Spect | | | EXAMINER | | |
| P.O. Box 2266 | | | PAK, JO | PAK, JOHN D | |
| Arlington, VA 22202 | | | ART UNIT | PAPER NUMBER | |
| | | | 1616 | | |
| | | | DATE MAILED: 04/24/2003 | | |
| | | | | f o | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. **09/782,077**

Applicatet(s)

Stamler

Examiner

John Pak

Art Unit **1616**



| | The MAILING DATE of this communication appears | on the cover sheet with the correspondence address |
|--|--|--|
| Period f | for Reply | |
| THE N | ORTENED STATUTORY PERIOD FOR REPLY IS SET MAILING DATE OF THIS COMMUNICATION. sions of time may be available under the provisions of 37 CFR 1.136 (a). | TO EXPIRE MONTH(S) FROM In no event, however, may a reply be timely filed after SIX (6) MONTHS from the |
| · If the p · If NO p · Failure · Any re | period for reply specified above is less than thirty (30) days, a reply within | ly and will expire SIX (6) MONTHS from the mailing date of this communication. e the application to become ABANDONED (35 U.S.C. § 133). |
| Status | | |
| 1) 💢 | Responsive to communication(s) filed on <u>Dec 27, 2</u> | 002 |
| 2a) 🗌 | This action is FINAL . 2b) \(\overline{\times} \) This act | ion is non-final. |
| 3) 🗆 | Since this application is in condition for allowance e closed in accordance with the practice under Ex par | except for formal matters, prosecution as to the merits is rete Quayle, 1935 C.D. 11; 453 O.G. 213. |
| Disposi | tion of Claims | |
| 4) 💢 | Claim(s) <u>1-12</u> | is/are pending in the application. |
| 4 | la) Of the above, claim(s) | is/are withdrawn from consideratio |
| 5)□ | Claim(s) | is/are allowed. |
| | Claim(s) 1-3 and 6-11 | |
| | | is/are objected to. |
| - | | are subject to restriction and/or election requirement |
| | tion Papers | |
| | The specification is objected to by the Examiner. | |
| 10)□ | The drawing(s) filed on is/ar | e a accepted or b objected to by the Examiner. |
| | Applicant may not request that any objection to the di | |
| 11)□ | | is: வ் approved வ disapproved by the Examine |
| | If approved, corrected drawings are required in reply t | |
| 12) | The oath or declaration is objected to by the Exami | ner. |
| Priority | under 35 U.S.C. §§ 119 and 120 | |
| 13)□ | Acknowledgement is made of a claim for foreign pr | iority under 35 U.S.C. § 119(a)-(d) or (f). |
| a) | ☐ All b)☐ Some* c)☐ None of: | |
| | 1. \square Certified copies of the priority documents hav | e been received. |
| : | 2. \square Certified copies of the priority documents hav | e been received in Application No |
| | application from the International Burea | |
| _ | ee the attached detailed Office action for a list of the | |
| . — | Acknowledgement is made of a claim for domestic | |
| a) ∟ | The state of the following and a provision a | |
| 15)∐ | Acknowledgement is made of a claim for domestic | priority under 35 U.S.C. §§ 120 and/or 121. |
| Attachmo | ent(s) tice of References Cited (PTO-892) | 4) Interview Summary (PTO-413) Paper No(s). |
| _ | tice of Draftsperson's Patent Drawing Review (PTO-948) | 5) Notice of Informal Patent Application (PTO-152) |
| | formation Disclosure Statement(s) (PTO-1449) Paper No(s). | 6) Other: |
| | _ | |

Application/Control Number: 09/782,077

Art Unit: 1616

Claims 1-12 are pending.

Claims 1-3, 6-11 are rejected under 35 USC 112, first paragraph as lacking in adequate enablement for the reasons set forth in Paper No. 6 (PP. 3-4) with respect to H2S.

Applicant's arguments have been given due consideration but they were deemed unpersuasive. A directly contra-indicative effect has been shown by the Examiner's evidence. Air-exposure would be a lot less detrimental than direct delivery into lungs, as claimed. Therefore, the grilled artisan would not accept applicant's assertion that the evidence is not relevant.

Claims 4-5 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pak whose telephone number is (703) 308-4538. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jose Dees can be reached on (703) 308-4628. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4556 for regular communications and (703) 308-4556 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

JUHN PAK PRIMARY EXAMINER GROUP 1600